

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

UNITED STATES OF AMERICA	:	
	:	
v.	:	CRIMINAL CASE NO.
	:	1:12-CR-0053-SCJ
HEATHER COTE,	:	
	:	
Defendant.	:	

**ORDER**

This matter appears before for consideration of the magistrate judge's November 7, 2014 Report and Recommendation ("R&R") (Doc. No. [80]), in which The Honorable Russell G. Vineyard, United States Magistrate Judge, recommended that Defendant Heather Cote's motion to suppress (evidence seized from her German residence) (Doc. No. [63]) be denied.

On November 11, 2014, Defendant Cote filed objections to the Report and Recommendation. Doc. No. [82]. In her objections, Defendant objected to the following findings of the magistrate: (1) that Defendant failed to show that German authorities acted as agents of the FBI when conducting the search of her residence in Germany and (2) that the joint venture doctrine does not apply.

When such objections are filed, the Court must "make a de novo determination of those portions of the report or specified proposed findings or

recommendations to which objection is made.” 28 U.S.C. § 636(b)(1). After conducting this review, the Court “may accept, reject, or modify in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). Additionally, the Court may “receive further evidence or recommit the matter to the magistrate judge with instructions.” *Id.* The district judge must also “read the transcript of the hearing before a magistrate on a motion to suppress, before adopting the magistrate’s recommendation.” United States v. Elsoffer, 644 F.2d 357, 358 (5th Cir. 1981) (per curiam).<sup>1</sup>

After *de novo* review, inclusive of reading the transcript of the hearing before the magistrate, the Court adopts the magistrate’s report and recommendation. Doc. No. [80]. Defendant’s objections are overruled.

### CONCLUSION

After *de novo* review, the Court **ADOPTS** the magistrate’s Report and Recommendation (Doc. No. [80]).

Defendant’s objections are hereby **OVERRULED**.

Defendant’s Motion to Suppress (Doc. No. [63]) is hereby **DENIED**.

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<sup>1</sup>See Bonner v. City of Prichard, 661 F.2d 1206, 1209 (11th Cir. 1981) (en banc) (adopting as binding precedent all decisions of the former Fifth Circuit decided prior to October 1, 1981).

IT IS SO ORDERED, this 2nd day of January, 2015.

  
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HONORABLE STEVE C. JONES  
UNITED STATES DISTRICT JUDGE